

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ASMED BARRERA, :
: Petitioner, :
: :
: -against- : 20-CV-2755 (VEC)
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: :
: THOMAS DECKER, in his official capacity as :
: Director of the New York Field Office of U.S. :
: Immigrations & Customs Enforcement and CHAD :
: WOLF, in his official capacity as Acting Secretary, :
: U.S. Department of Homeland Security, :
: :
: Respondents. :
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VALERIE CAPRONI, United States District Judge:

WHEREAS on April 2, 2020, Petitioner filed a writ of *habeas corpus* under 28 U.S.C. § 2241 (Dkt. 1);

WHEREAS Petitioner seeks immediate release from detention by United States Immigration and Customs Enforcement (“ICE”) on the grounds that he suffers from medical conditions putting him at imminent risk from COVID-19;

WHEREAS Petitioner is detained at the Bergen County Jail, New Jersey;

WHEREAS this Court has repeatedly held that the proper respondent in “core” habeas petitions—petitions where “the challenged custody is physical detention”—by immigration detainees is the immediate, physical custodian, *i.e.*, the warden of the detention facility where the detainee is held, *S.N.C. v. Sessions*, 325 F. Supp. 3d 401, 406–07 (S.D.N.Y. 2018);

WHEREAS Petitioner has brought his claim “outside of ‘the district of confinement,’” *id.* at 409 (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004));

WHEREAS “venue is proper in these circumstances in the district in which the petitioner is physically detained,” *Binet v. Decker*, No. 19-CV-7964, 2019 WL 6111275, at *1 (S.D.N.Y. Nov. 7, 2019) (citing *S.N.C.*, 325 F. Supp. 3d at 406–07);

WHEREAS this Court holds *sua sponte* that it lacks venue over Petitioner’s core habeas claims, *accord* Order, *Reyes v. Decker*, 20-CV-2737 (Apr. 4, 2020) (ECF No. 4);

IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to transfer this case to the District of New Jersey. Given the significant liberty interests at stake, the time-sensitivity of Petitioner’s claims, and the risks to Petitioner’s health posed by the rapid spread of COVID-19, the Court waives the seven-day waiting period customarily afforded under Local Civil Rule 83.1 and directs the Clerk to effectuate the transfer as soon as possible.

SO ORDERED.

Date: April 7, 2020
New York, NY



VALERIE CAPRONI
United States District Judge